

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NGOC T HO,

Plaintiff,

-against-

SECRETARY ALEJANDRO MAYORKAS, U. S.
Department of Homeland Security; DIRECTOR L
FRANCIS CISSNA, U.S. Citizenship and Immigration
Services; and DIRECTOR TERRI ROBINSON, USCIS
National Benefits Center, U.S. Citizenship and
Immigration Services,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/18/2021

1:21-cv-4417-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A review of Court records indicates that the Complaint in this action was filed on May 17, 2021, then refiled the next day [ECF Nos. 1, 3], and that no proof of service of the summons and Complaint has been filed. Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff is directed to serve the summons and Complaint on Defendants on or before September 17, 2021. If service has not been made on or before September 17, 2021, and if Plaintiff fails to show cause, in writing, why service has not been made, the Complaint will be dismissed for failure to prosecute, pursuant to Federal Rules of Civil Procedure 4 and 41.

SO ORDERED.

Dated: August 18, 2021
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge